

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Jacob Cleo Hunter,)	
)	
Plaintiff,)	Civil Action No. 6:19-cv-2503-TMC
)	
vs.)	
)	
ZF Transmissions Gray Court,)	ORDER
)	
Defendant.)	
)	
)	

On September 5, 2019, Plaintiff Jacob Cleo Hunter (“Hunter”), proceeding *pro se* and *in forma pauperis*, brought this action against Defendant ZF Transmissions Gray Court (“ZF”) asserting that ZF, his employer, retaliated against him in violation of Title VII. (ECF No. 1). Specifically, Hunter alleges that he reported to his superiors that he overheard a co-worker threaten to hang another co-worker who was African-American. *Id.* at 4. Hunter claims ZF retaliated against him by delaying payment by three months of a raise and backpay owed to Hunter. *Id.* at 5. Hunter also alleges that ZF further retaliated by placing him on “special assignment isolated away from . . . coworkers.” *Id.* In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2)(b), (e), D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge’s Report and Recommendation (“Report”), recommending that the court dismiss Hunter’s action with prejudice and without service of process. (ECF No. 17 at 6).

On October 1, 2019, the magistrate judge issued an order notifying Hunter that his complaint failed to state a claim upon which relief could be granted and advising him that his complaint was therefore subject to summary dismissal. (ECF No. 13 at 5). The magistrate judge,

however, identified the deficiencies in the complaint and afforded Hunter an opportunity “to correct the defects . . . by filing an amended complaint within 14 days of this order, along with any appropriate service documents.” *Id.* Finally, the magistrate judge warned Hunter that if he “fail[ed] to file an amended complaint or fail[ed] to cure the deficiencies identified [in the order], the undersigned will recommend to the district court that the claims be dismissed with prejudice and without leave for further amendment.” *Id.* at 6. Hunter failed to file an amended complaint or otherwise respond to the magistrate judge’s order of October 1, 2019.

In the Report, the magistrate judge sets forth the relevant facts and legal standards, which are incorporated herein by reference. (ECF No. 17). Hunter was advised of his right to file specific objections to the Report, *id.* at 7, but he failed to do so. The time for Hunter to object to the Report has now expired, and this matter is ripe for review.

The magistrate judge’s recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). Nevertheless, “[t]he district court is only required to review *de novo* those portions of the report to which specific objections have been made, and need not conduct *de novo* review ‘when a party makes general and conclusory objections that do not direct the court to a specific error in the magistrate judge’s proposed findings and recommendations.’” *Farmer v. McBride*, 177 Fed. App’x 327, 330–31 (4th Cir. April 26, 2006) (quoting *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982)). The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1). However, “[i]n the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation.” *White v.*

Stacher, C/A No. 6-05-1737-GRA-WMC, 2005 WL 8163324, at *1 (D.S.C. Aug. 29, 2005) (citing *Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983)).

After a careful and thorough review of the Report and Hunter’s filings, the court agrees with, and wholly adopts, the magistrate judge’s findings and recommendations in the Report (ECF No. 17), which is incorporated herein by reference. Accordingly, for the reasons stated in the Report and in this Order, this case is **DISMISSED with prejudice** and without service of process.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

November 25, 2019
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.